

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
MICHELLE MIRANDA

Plaintiff,

-against-

CAPITAL ONE BANK USA, N.A.,

Defendant.
-----X

AMON, Chief United States District Judge.

NOT FOR PUBLICATION
ORDER

12-cv-1781 (CBA) (LB)

FILED

IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JAN 4 - 2013 ★

BROOKLYN OFFICE

On November 20, 2012, the Honorable Lois Bloom issued a Report and Recommendation (R&R) recommending that this Court dismiss the instant action without prejudice due to plaintiff Michelle Miranda's failure to file proof of service in accordance with Federal Rule of Civil Procedure 4(m). The parties were given until December 7, 2012 to file objections to the R&R; however, no objections have been filed to date. Reviewing the R&R for clear error, the Court adopts Magistrate Judge Bloom's R&R in its entirety. See Manigaulte v. C.W. Post of Long Island Univ., 659 F. Supp. 2d 367, 372 (E.D.N.Y. 2009) ("When evaluating the report and recommendation of a magistrate judge, the district court may adopt those portions of the report to which no objections have been made and which are not facially erroneous." (internal quotations and citations omitted)). Accordingly, this action is dismissed without prejudice. The Clerk of Court is directed to enter judgment in favor of defendant and close this case.

SO ORDERED.

Dated: January 2, 2013
Brooklyn, N.Y.

^
s/Carol Bagley Amon

Carol Bagley Amon
Chief United States District Judge

c/m